



Town of Uxbridge
Zoning Board of Appeals
21 So. Main St.
Uxbridge, MA 01569
(508) 278-8603

DECISION

SPECIAL PERMIT Case# FY08-23

Zone: Business Zone

Property Location: 486 Douglas Street, Uxbridge, MA

Town of Uxbridge Assessor's Map 23, Parcel 4424

Worcester County District Registry of Deeds' 27722, Page 346

Applicant Name(s)/Owner Name(s): Louis and Susan Desruisseaux

BACKGROUND

The applicant/owner of record, Louis and Susan Desruisseaux, seek a Special Permit under Section VII A 8b from the Zoning By-Laws on property located 486 Douglas Street, Uxbridge, MA shown on the Town of Uxbridge Assessor's Map 23, Lot 4424 and recorded in the Worcester County District Registry of Deeds Book 27722, Page 346 located in the Business zone to allow the use of a fuel service station with 4,800 sq. ft. of retail store and car wash. A full site plan review by the Planning Board will ultimately be required, but is not part of this application.

A duly noticed public hearing was held on November 7, 2007, at which all interested parties were invited to be heard. A site visit was held on November 17, 2007.

SUBMITTALS

Application form and materials, received October 5, 2005, and including the form, copy of deed, abutters list, Municipal Lien Certificate and fees.

Special Permit Plan, drawn by Andrews Survey & Engineering, dated August 7, 2007 with revision dated September 26, 2007.

DELIBERATION and FINDINGS

During the public hearing, the applicant referred to application file #06-42 in which the same applicant received approval for a similar application at a location approximately 300 feet to the west of the current site. However, the Summerfield multi-family development project was approved in November 26, 2002 and is currently under construction. As a result, the Board finds that the zoning and land use patterns are substantially unchanged from one year ago, when the Board issued zoning approval for similar activity on adjacent property.

During the public hearing, a number of concerns were identified relative to the design of the site, including concerns regarding traffic/vehicle circulation, lighting and noise. In addition, air quality concerns were raised relative to vehicles idling. The Board noted that proposal would also require Site Plan Review by the Planning Board, and that Site Plan Review is specifically designed to address these concerns. However, the Board found that the proposed use is injurious and detrimental to the area and neighborhood.

DECISION

Motion by Mr. Desilets to deny the application based on the finding that the proposal would be injurious and detrimental to the neighborhood. Seconded by Mr. Lutton, the motion carried 3 AYES, 0 NAYS, 1 ABSTENTION. Mr. Wickstrom abstained as he was not present at the meeting.

Voting Board Member Signatures:

Mark Wickstrom

Thomas Bentley

Bruce Desilets

Charles E. Lutton

Appeals, if any, from this decision shall be made pursuant to M.G.L. Chapter 40 A, Section 17 and filed within 20 days after the date of the filing in the Office of the Town Clerk.

If the rights authorized by this Special Permit are not exercised within two (2) years of the date granting this Special Permit, such rights shall lapse.

I hereby certify that twenty (20) days has elapsed from the file date and no appeal has been filed in this office.

A true copy: ATTEST

Town Clerk/Assistant Town Clerk

***YOU ARE REMINDED OF YOUR
RESPONSIBILITY TO RECORD THE
DECISION AT THE REGISTRY OF
DEEDS PER THE CERTIFICATE OF
GRANTING**

Town Seal